

1 DARRELL D. DENNIS, ESQ.
2 Nevada Bar No. 006618
2 Darrell.Dennis@lewisbrisbois.com
3 STEVEN B. ABBOTT, ESQ.
4 Nevada Bar No. 010303
4 Steven.Abbott@lewisbrisbois.com
5 LEWIS BRISBOIS BISGAARD & SMITH LLP
6 6385 S. Rainbow Boulevard, Suite 600
7 Las Vegas, Nevada 89118
8 Telephone: 702.893.3383
9 Facsimile: 702.893.3789
10 *Attorneys for Defendant,*
11 *James Joseph Frederick &*
12 *Defendant Laboratory Corporation of*
13 *America*

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

12 JORGE DIAZ GUTIERREZ, an individual;
13 JORGE RUIZ PEREZ, an individual;
14 SANDI DIAZ LOZANO, an individual; and
ZAYDA MARTINEZ DOMINGUEZ, an
individual.

15 Plaintiffs.

vs.

17 JAMES JOSEPH FREDERICK, an
18 individual; LABORATORY
19 CORPORATION OF AMERICA, a
20 Delaware Corporation; DOES I through X,
21 inclusive; ROE CORPORATIONS I
through X, inclusive; ROE LIMITED
LIABILITY COMPANIES I through X,
inclusive.

22 | Defendants.

CASE NO.: 2:24-cv-00434-EJY

**PROPOSED STIPULATED DISCOVERY
PLAN AND SCHEDULING ORDER
(SPECIAL SCHEDULING REVIEW
REQUESTED)**

24 Defendant JAMES JOSEPH FREDERICK and Defendant LABORATORY
25 CORPORATION OF AMERICA (“Defendants”), by and through its attorneys of record,
26 LEWIS BRISBOIS BISGAARD & SMITH LLP, by and through its attorneys of record, LEWIS
27 BRISBOIS BISGAARD & SMITH LLP, and Plaintiff, JORGE DIAZ GUTIERREZ, Plaintiff
28 JORGE RUIZ PEREZ, Plaintiff, SANDI DIAZ LOZANO, and Plaintiff, ZAYDA MARTINEZ

1 DOMINGUEZ (“Plaintiffs”), by and through their counsel of record, VEGAS VALLEY INJURY
 2 LAW, submit the following Stipulated Discovery Plan and Scheduling Order pursuant to
 3 FRCP 26(f) and LR 26-1.

4 1. FRCP 26(f) Meeting:

5 Pursuant to FRCP 26(f), on April 19, 2024, counsel for the parties met and conferred
 6 to develop a proposed discovery plan. The conference was held by Kris Zeppenfeld, Esq.
 7 of VEGAS VALLEY INJURY LAW, on behalf of the Plaintiffs, and Steven Abbott, Esq. of
 8 LEWIS BRISBOIS BISGAARD & SMITH LLP on behalf of the Defendants. During the
 9 mandatory FRCP 26(f) Conference the Parties agreed that a discovery period of 365 days
 10 is appropriate in order to full explore the issues in this matter, especially the distances
 11 involved since all four Plaintiffs are citizens of the country of Mexico. Furthermore, this
 12 extended period allows the parties to continue the active settlement negotiations that are
 13 already underway without expenditures of costs and fees in discovery.

14 2. Areas of Discovery

15 The parties agree that discovery under the Federal Rules of Civil Procedure,
 16 including by Rule 26(b), Rule 30, Rule 33, Rule 34, Rule 36, and Rule 45 should be
 17 permitted, such that the parties may obtain discovery regarding any non-privileged matter
 18 that is relevant to any party’s claim or defense, and proportional to the needs of the case,
 19 subject to the limitations imposed by Rule 26(b)(2).

20 3. Discovery Plan

21 The parties propose the following discovery plan. The parties have agreed that
 22 discovery will take three hundred and sixty five (365) days to complete for the following
 23 reasons. Plaintiff’s counsel confirmed he is still undergoing treatment for the accident that
 24 is the subject of this lawsuit. Furthermore, lead counsel for the Defendants will be
 25 undergoing a surgical procedure that he will need time off for. Also, additional time is
 26 needed to engage in discovery on multiple fronts, including but not limited to complement
 27 of treatment, independently collect all medical records, complete multiple depositions of
 28 parties, fact witness depositions, retain experts, take depositions of experts, document

1 review, and engage in other discovery tasks that necessitated the extended discovery
 2 period. Consequently, the Parties agreed that a discovery period of 365 days is appropriate
 3 in order to full explore the issues in this matter, especially considering the distances
 4 involved with Plaintiffs all citizens of Mexico coupled with the fact the Parties are already
 5 engaged in settlement discussions, however, time is needed to complete discovery if the
 6 case isn't resolved at mediation. Subject to the preceding, the parties present the following
 7 proposed discovery plan.

8 **a. Discovery Cut-Off Date**

9 The parties herein stipulate that the discovery period shall be three hundred and
 10 sixty-five (365) days from April 18, 2025. The parties agree that discovery must be
 11 commenced and completed no later than Friday, April 18, 2025.

12 **b. Amending the Pleadings or Adding Parties**

13 The parties shall have until Friday, January 18, 2025, to file any motions to amend
 14 the pleadings or to add parties. This is ninety (90) days prior to the close of discovery.

15 **c. FRCP 26(a)(2) Disclosure of Experts**

16 The disclosure of the experts shall proceed according to FRCP Rule 26(a)(2)(D) and
 17 as follows:

18 - The disclosure of initial experts and their reports shall occur on or before
 19 Friday, January 18, 2025,

20 - The disclosure of rebuttal experts and their reports shall occur on or before
 21 Monday, February 17, 2025,

22 The deadline for initial expert discovery deadline is ninety (90) days before the
 23 discovery cut-off date and the rebuttal is more than thirty (30) days after the initial disclosure
 24 of experts but adjusted for the holiday season pursuant to agreement between counsel.

25 **d. Dispositive Motions**

26 The parties shall have until Monday, May 19, 2025, to file dispositive
 27 motions, thirty (30) days after the discovery cut-off. (The actual date falls on Sunday, May
 28 18, 2025 so the Parties agree that this day should roll to the next business day.)

1 **e. Pre-Trial Order**

2 The parties will prepare a Joint Pre-Trial Order by Wednesday, June 18, 2025, which
3 is not more than thirty (30) days after the date set for filing dispositive motions in this case,
4 as required by LR 26-1(e)(5). In the event dispositive motions are filed, the date for filing
5 the joint pretrial order shall be suspended until thirty (30) days after decision of the
6 dispositive motions or further order of the Court. The disclosure required by FRCP Rule
7 26(a)(3), and objections thereto, shall be made in the pre-trial order.

8 **f. FRCP 26(a)(3) Disclosures**

9 Pursuant to FRCP Rule 26(a)(1), the Parties will serve their respective initial
10 disclosures promptly by Friday, May 10, 2024.

11 **g. Modifications of the Discovery Plan and Scheduling Order**

12 LR 26-4 governs modifications or extensions of this Discovery Plan and
13 Scheduling Order. Any stipulation or motion must be made at least twenty-one (21) days
14 prior to the expiration of any extension thereof that may have been approved by the
15 Court, or at least twenty-one (21) days prior to the expiration of the subject deadline.

16 **h. Format of Discovery**

17 Pursuant to the electronic discovery amendments to the Federal Rules of Civil
18 Procedure effective December 1, 2006, the parties addressed the e-discovery issues
19 pertaining to the format of discovery at the Rule 26(f) conference. The parties do not
20 anticipate discovery of native files or metadata at this time. Each party reserves the
21 right to make a showing for the need of electronic data as discovery progresses.

22 **4. Certifications**

23 The parties certify as follows:

24 **a. Alternative Dispute Resolution**

25 The parties have discussed alternative dispute resolution (ADR) and reviewed this
26 case for private mediation and/or a judicial settlement conference at a later time if current
27 settlement talks do not resolve the case.

1 **b. Alternative Forms of Case Disposition**

2 The parties considered consent to trial by magistrate judge under 28 U.S.C. § 636(c)
 3 and FRCP 73 and the use of the Short Trial Program (General Order 2013-01). The parties
 4 do not consent to such forms of alternative case disposition.

5 **c. Electronic Evidence**

6 The parties discussed whether they intend to present evidence in electronic format
 7 to jurors for the purpose of the jury deliberations. No stipulations have been reached as of
 8 the filing of this plan regarding providing discovery in an electronic format compatible with
 9 the court's electronic jury evidence display system.

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11	Activity	Date
12	Initial Disclosures	<i>May 10, 2024</i>
13	Amend Pleadings	<i>January 18, 2025</i>
14	Expert Disclosures	<i>January 18, 2025</i>
15	Rebuttal Expert Disclosures	<i>February 17, 2025</i>
16	Discovery Cut-Off Date	<i>April 18, 2025</i>
17	Dispositive Motions	<i>May 19, 2025</i>
18	Pretrial Order	<i>June 18, 2025</i>

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1 APPROVED AS TO FORM AND CONTENT.

2 IT IS SO STIPULATED AND AGREED.

3 SUBMITTED BY THE FOLLOWING COUNSEL OF RECORD:

5 DATED this 19th day of April, 2023.

DATED this 19th day of April, 2023.

6 LEWIS BRISBOIS BISGAARD & SMITH LLP VEGAS VALLEY INJURY FIRM

8 /s/ Steven Abbott

9 STEVEN B. ABBOTT, ESQ.

Nevada Bar No. 10303

10 6385 S. Rainbow Boulevard, Suite 600

Las Vegas, Nevada 89118

11 Tel. 702.893.3383

12 *Attorneys for Defendants*

/s/ Kristopher Zeppenfield

KRISTOPHER ZEPPENFELD, ESQ.

Nevada Bar No. 12144

7 710 S. Seventh Street, Suite C

Las Vegas, Nevada 89101

13 *Attorneys for Plaintiffs*

14 **ORDER**

15 IT IS SO ORDERED.

16 IT IS FURTHER ORDERED that no extension of discovery will be granted absent
17 a demonstration that substantial discovery was completed during the initial 365 day
18 period requested.

19 DATED on this 19th day of April, 2024.

20 
21 Layna J. Zouchah
22 UNITED STATES MAGISTRATE JUDGE